

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 HAROLD A. DUTRA, JR.; JIMMY)
6 A. DUTRA; and minor ADAM)
7 DUTRA, by and through his)
8 Guardian Ad Litem, MARGARET)
9 DUTRA,)

10 Plaintiffs,)

No. C-95-3618 BZ

11 v.)

Special Verdict

12 THE HALF MOON BAY POLICE)
13 DEPARTMENT; CHIEF OF POLICE)
14 DENNIS WICK, individually)
15 and in his official capacity;)
16 and OFFICER JIM PENDERGAST,)
17 individually and in his)
18 official capacity.)

19 Defendants.)
20 _____)
21)
22)
23)
24)
25)
26)
27)
28)

17 We, the jury, find the following special verdict on the
18 questions submitted to us:

19 **Plaintiff Harold Dutra, Jr.**

20 1. Did one or more defendants violate Harold Dutra, Jr.'s
21 constitutional rights?

22 Yes: _____ No: _____

23 If your answer is yes, proceed to the next question. If
24 your answer is no, proceed to Question No. 5.

25 2. Did Officer Jim Pendergast deprive Harold Dutra, Jr. of
26 his constitutional rights in violation of 42 U.S.C. Section 1983?

27 Yes: _____ No: _____

28 Please proceed to the next question.

1 3. Did Chief Dennis Wick deprive Harold Dutra, Jr. of his
2 constitutional rights in violation of 42 U.S.C. Section 1983?

3 Yes: _____ No: _____

4 Please proceed to the next question.

5 4. Were Harold Dutra, Jr.'s constitutional rights violated
6 as a result of official policies, customs, or practices existing
7 in the Half Moon Bay Police Department?

8 Yes: _____ No: _____

9 Please proceed to the next question.

10 5. Did Officer Jim Pendergast intentionally inflict
11 emotional distress on Harold Dutra, Jr.?

12 Yes: _____ No: _____

13 If your answer is yes, proceed to the next question. If
14 your answer is no, proceed to Question No. 7.

15 6. In inflicting emotional distress on Harold Dutra, Jr.,
16 was Officer Jim Pendergast acting within the course and scope of
17 his employment?

18 Yes: _____ No: _____

19 Please proceed to the next question.

20 7. If you have found against either or both of the
21 defendants on either claim, what do you find to be the total
22 amount of compensatory damages suffered by Harold Dutra, Jr.?

23 Amount: _____

24 Please proceed to the next question.

1 your answer is no, proceed to Question No. 21.

2 18. Did Officer Jim Pendergast deprive Adam Dutra of his
3 constitutional rights in violation of 42 U.S.C. Section 1983?

4 Yes: _____ No: _____

5 Please proceed to the next question.

6 19. Did Chief Dennis Wick deprive Adam Dutra of his
7 constitutional rights in violation of 42 U.S.C. Section 1983?

8 Yes: _____ No: _____

9 Please proceed to the next question.

10 20. Were Adam Dutra's constitutional rights violated as a
11 result of official policies, customs, or practices existing in
12 the Half Moon Bay Police Department?

13 Yes: _____ No: _____

14 Please proceed to the next question.

15 21. Did Officer Jim Pendergast intentionally inflict
16 emotional distress on Adam Dutra?

17 Yes: _____ No: _____

18 If your answer is yes, proceed to the next question. If
19 your answer is no, proceed to Question No. 23.

20 22. In inflicting emotional distress on Adam Dutra, was
21 Officer Jim Pendergast acting within the course and scope of his
22 employment?

23 Yes: _____ No: _____

24 Please proceed to the next question.

25 23. If you have found against either or both of the
26 defendants on either claim, what do you find to be the total
27 amount of compensatory damages suffered by Adam Dutra?

28 Amount: _____

1 24. If you found that plaintiff Adam Dutra's constitutional
2 rights were violated and answered yes to Question 18, is Adam
3 Dutra entitled to punitive damages against Officer Jim
4 Pendergast?

5 Yes: _____ No: _____

6 If you answered yes, please state the amount of punitive
7 damages you award Adam Dutra against Officer Jim Pendergast:

8 \$ _____

9
10 Dated: February __, 1997

Foreperson